



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,919	02/21/2006	Zaoling Shao	CN 020016	6591
24737 7590 12/23/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
LAI, MICHAEL C				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,919

Applicant(s)

SHAO ET AL.

Examiner

MICHAEL C. LAI

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communications filed on 9/29/2008.

Response to Arguments

Applicant's arguments, see pages 14-24, filed 9/29/2008, with respect to the rejection(s) of claim(s) 1-24 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pichna et al. (US 6,904,055 B2).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caloud (US 6,885,871 B2, hereinafter Caloud), and in view of Pichna et al. (US 6,904,055 B2, hereinafter Pichna).

Regarding claim 1, Caloud teaches a wireless network system that enables wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, the system comprising:

means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including an

identification (ID) number of the second MMS user agent [col. 5, lines 39-59, the resolution server 119];

means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent [FIG. 1, the resolution table 127, col. 6, lines 3-20]; and

means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message to the second MMS user agent using the obtained Internet address [col. 3, lines 46-51].

Caloud discloses the claimed invention except for the direct delivery of the multimedia message. Pichna discloses that a fast and secure ad hoc communication system is established between terminals with the aid of a network. Terminals equipped with a non-cellular interface may establish a high data rate peer-to-peer (direct communication) ad hoc connection with the support of a cellular network. A non-cellular link may be used for fast and secure ad hoc communication between the terminals [abstract, FIG. 3]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Pichna's teaching into Caloud's system for the purpose of avoiding the costly cellular infrastructure by exchanging data between two mobile terminals directly through a non-cellular wireless link, thereby achieving fast

and much cheaper communication between the terminals [col. 1 line 32 through col. 2 line 13].

Regarding claim 2, Caloud further discloses wherein the obtaining means includes:

means for sending the ID number to a core network [col. 4, lines 38-52, program memory 103 and interface circuits 104]; and

means for obtaining the Internet address of the second MMS user agent from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20].

Regarding claim 3, Caloud further discloses wherein the identification number is a mobile station international ISDN number (MSISDN) [col. 3, lines 5-11, the MSISDN is embedded in the SIP symbolic address].

Regarding claim 4, Caloud further discloses wherein the obtaining means includes:

means for sending the MSISDN to a core network [col. 4, lines 38-52, program memory 103 and interface circuits 104],

means for obtaining an international mobile subscriber identity (IMSI) address corresponding to the MSISDN from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20, column 127B corresponds to an IMSI number and/or an MSISDN],

means for sending the obtained IMSI address to the core network [col. 4, lines 38-52, program memory 103 and interface circuits 104], and

means for obtaining the Internet address corresponding to the IMSI from the core network [FIG. 1, the resolution table 127, col. 6, lines 3-20].

Regarding claim 5, Caloud further discloses wherein:

the MSISDN is sent to a home location register (HLR) in the core network [col. 5, lines 39-54, the resolution server 119 is connected to the HLR of the GSM network through SS7/TCAP/MAP, this enables the interface between the SIP-NAT server and the HLR. Note that the HLR contains mobile information including MSISDN/IMSI is well known in the art.];

the IMSI address is obtained from the HLR [col. 5, lines 39-45, the resolution server 119 is connected to the HLR of the GSM network, and col. 3, lines 32-45, the MSISDN/IMSI information are updated by the SIP-NAT server via interface with the HLR.];

the obtained IMSI is sent to a user database in the core network [col. 3, lines 41-45, updates the resolution table]; and

the Internet address is obtained from the user database [col. 6, lines 3-5, a table could be considered as a preliminary database.].

Regarding claim 6, further discloses wherein the wireless network system is implemented in an Internet Protocol (IP) based network [col. 3, lines 32-45, TCP/IP].

Regarding claim 7, Caloud teaches a wireless network system for enabling wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent located in a first multimedia messaging service environment (MMSE) to a second MMS user agent located in a second MMSE, the system comprising:

a first MMS server located in the first MMSE [FIG. 1 and col. 5, lines 39-59, the resolution server 119]; and

a second MMS server located in the second MMSE [The second resolution server for the cell network 118 is inherent. In this case, the first resolution server 119 is located in the first MMSE, e.g., Internet 106];

wherein the first MMS server includes:

means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including an identification (ID) number of the second MMS user agent [col. 5, lines 39-59, the resolution server 119], and

means for forwarding the request to the second MMS server [col. 5, lines 55-59, interface circuits 124 for forwarding the request to the second MMS server via the internet network 106];

wherein the second MMS server includes:

means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent [just like the first MMS server, FIG. 1, the resolution table 127, col. 6, lines 3-20.];

means for forwarding the obtained Internet address of the second MMS user agent to the first MMS server [just like the first MMS server, col. 5, lines 55-59, interface circuits 124 for forwarding the obtained Internet address of the second MMS user agent to the first MMS server via the internet network 106];

wherein the first MMS server forwards the obtained Internet address received from the second MMS server to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message to the second MMS user agent using the obtained Internet address [col. 3, lines 46-51].

Caloud discloses the claimed invention except for the direct delivery of the multimedia message. Pichna discloses that a fast and secure ad hoc communication system is established between terminals with the aid of a network. Terminals equipped with a non-cellular interface may establish a high data rate peer-to-peer (direct communication) ad hoc connection with the support of a cellular network. A non-cellular link may be used for fast and secure ad hoc communication between the terminals [abstract, FIG. 3]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Pichna's teaching into Caloud's system for the purpose of avoiding the costly cellular infrastructure by exchanging data between two mobile terminals directly through a non-cellular wireless link, thereby achieving fast and much cheaper communication between the terminals [col. 1 line 32 through col. 2 line 13].

Claims 8-12 are of the same scope as claims 2-6. They are rejected for the same reasons as for claims 2-6.

Claims 13-18 are of the same scope as claims 1-6. They are rejected for the same reasons as for claims 1-6.

Claims 19-24 are of the same scope as claims 7-12. They are rejected for the same reasons as for claims 7-12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai
12DEC2008

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457